

IN THE UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF OHIO

**IN THE MATTER OF APPLICATION  
FOR AN ARREST WARRANT FOR  
ROBERT SHERMAN**

Case No. 3:20mj5108

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR AN ARREST WARRANT**

I, Gary Bunting II, being duly sworn, hereby depose and state as follows:

**I. INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for an arrest warrant for Robert SHERMAN.

2. I am a Police Officer with the Toledo Police Department located in Toledo, Ohio, and have been so employed since March 31, 2006. During my tenure with the Toledo Police Department I have been assigned as a patrol officer and a detective in various bureaus. I am currently assigned as a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearm and Explosives (“ATF”), and have been since January 2020. I am currently assigned to the Toledo, Ohio Field Office.

3. As part of my duties as an ATF Task Force Officer, my responsibilities include the investigation of criminal violations relating to federal firearms offenses, including the unlawful receipt of firearms by persons under indictment. I am a graduate of the Toledo Police Academy located in Walbridge, Ohio. I have also participated in the execution of numerous arrest warrants.

4. Pursuant to 18 U.S.C. § 3051, I am empowered to enforce criminal laws of the United States. As a result of my training and experience, I am familiar with federal laws including 18 U.S.C. 922(n), which states: It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate

or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

5. The facts in this affidavit come from my personal knowledge, my training and experience, and information obtained from other law enforcement personnel and from persons with knowledge regarding relevant facts. This affidavit is intended to show merely that there is sufficient probable cause for the requested arrest warrant and does not set forth all of my knowledge about this matter.

6. Based on the facts set forth in this affidavit, I believe that there is sufficient probable cause to believe that, on or about February 25<sup>th</sup>, 2020, in the Northern Judicial District of Ohio, Robert SHERMAN violated 18 U.S.C. 922(n), receiving a firearm while under indictment for a crime punishable by imprisonment for a term exceeding one year.

## **II. FACTS SUPPORTING PROBABLE CAUSE**

7. Your affiant reviewed a Toledo Police Department (TPD) crime report relating to the arrest of an adult male named Robert SHERMAN (hereinafter, "SHERMAN") on February 25<sup>th</sup>, 2020. In summary, this reports indicates, detectives from the Toledo Police Department (TPD) Special Intelligence Group (SIG) went to 4248 Wickford Point Drive, Toledo, Lucas County, Ohio, in reference to conducting surveillance on SHERMAN. SHERMAN was known to the detectives to have a capias warrant out of Lucas County, Ohio in relation to CR-0201903034-000 and was also known to frequent the location. The detectives observed SHERMAN arrive to the location as the passenger in a vehicle. The detectives then observed SHERMAN to go into the location through the front-door. Officers from the TPD Special Weapons and Tactics (SWAT) team arrived to assist the SIG detectives in apprehending SHERMAN. Officers knocked on the front-door of the location where they made contact with Ashley Darrington. Ashley Darrington

identified herself as a person who resides at the location and gave officers consent to search the home for SHERMAN. The officers announced their presence and called-out to SHERMAN several times in an attempt to have him surrender. Sherman did not respond. SHERMAN was located in Ashley Darrington's bedroom. He was found hiding between the wall and a bed. SHERMAN was then taken into custody.

8. Detective William Noon from the TPD Gun Crime Intelligence Task Force (GCITF) responded to the scene after hearing about SHERMAN's apprehension. Detective Noon made contact with Ashley Darrington inside the location. Ashley Darrington was given a TPD form #31.49 (Waiver of Search Warrant Form) which she signed to allow officers to search the residence for the gun. Detectives then searched the home and located a Sturm Ruger 9mm pistol, model SR9C, serial #333-95818 hidden under a mattress in Ashley Darrington's mother's room. A magazine for the firearm was also located during the search.

9. After detectives located the firearm, Detective Noon continued to interview Ashley Darrington about the firearm. Ashley Darrington stated that SHERMAN had the firearm in his possession when police arrived. Ashley Darrington was specifically asked about how SHERMAN came into possession of the firearm. Ashley Darrington stated that SHERMAN had previously told her that he had received the firearm approximately two weeks ago and that the firearm was someone else's, but he was holding onto it for that person.

10. Officers secured the aforementioned pistol and the Toledo Forensic Laboratory obtained swabs from the firearm for potential DNA samples. These potential DNA samples were submitted to the Ohio Bureau of Criminal Investigation (BCI) for Combined DNA Index System (CODIS) submission along with DNA standards from SHERMAN for comparison.



11. Your affiant has learned that in March 2020, TPD received notification from the Ohio BCI that there was a confirmed between DNA found on the aforementioned firearm and that of SHERMAN. Ohio BCI reported that DNA from the “trigger” and “body” of the firearm had DNA from SHERMAN which the estimated frequency of occurrence of the major DNA profile is rarer than one in one trillion unrelated individuals.

12. Criminal history records reflect that SHERMAN has been indicted with Tampering with Evidence (O.R.C. 2921.12) and Carrying Concealed Weapons (O.R.C. 2923.12) in the Lucas County Court of Common Pleas on November 21, 2019, which is case number G-4801-CR 201903034-000. SHERMAN appeared in Court on the indictment on December 11, 2019. SHERMAN was formally arraigned on January 22, 2020. Consequently, this would show that SHERMAN was under indictment while he received the previously identified firearm and was in violation of Title 18 U.S.C. 922(n). The above offenses carry potential terms of more than one year in prison.

13. Your affiant has learned from an ATF Special Agent, trained to determine the interstate nexus of firearms, that the above-listed pistol was not manufactured in Ohio and meets the definition of a firearm as defined in Title 18, United States Code (U.S.C.), Chapter 44, Section 921(a)(3).

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### III. CONCLUSION

14. Based on the above information, I respectfully submit that there is probable cause to believe that, on or about February 25<sup>th</sup>, 2020, Robert SHERMAN violated 18 U.S.C. 922(n), Receiving a Firearm While Under Indictment in the Northern Judicial District of Ohio.

FURTHER AFFIANT SAYETH NOT.

  
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Gary Bunting, ATF TFO

**Apr 17, 2020**

Sworn to via telephone after  
submission by reliable electronic  
means. Crim. Rules. 4.1; 41(d)(3)



  
James R. Knepp, II  
United States Magistrate Judge